

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KEYUNA CAMERON,)	
)	
Plaintiff,)	
)	
v.)	No. 17-2455-SHL-tmp
)	
SOUTHWEST TENNESSEE)	
COMMUNITY COLLEGE,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Before the court is defendant Southwest Tennessee Community College's ("Southwest") Motion to Dismiss (ECF No. 10) *pro se* plaintiff Keyuna Cameron's ("Cameron") complaint (ECF No. 1) for insufficient service of process. Southwest asserts that while it was served with the summons and the complaint, service of process was insufficient because the Federal Rules of Civil Procedure and the Tennessee Rules of Civil Procedure mandate that service shall be made upon the state of Tennessee or any agency thereof by delivering a copy of the summons and the complaint to the attorney general. See Fed. R. Civ. P. 4(j); Tenn. R. Civ. P. 4.04(6). Cameron has not disputed Southwest's assertion of insufficient service of process.¹

¹Cameron did not respond to Southwest's motion to dismiss within the time allotted by Local Rule 12.1(a)(b). The undersigned

The undersigned magistrate judge previously granted Cameron leave to proceed *in forma pauperis*, and directed that process for Southwest be issued by the Clerk and served by the Marshal pursuant to 28 U.S.C. § 1915(d), Federal Rule of Civil Procedure 4(c)(3), and Local Rule 4.1(b)(3)(B). (ECF No. 7.) On November 3, 2017, the undersigned entered an order directing the Clerk to reissue, and the Marshal to serve, process upon Southwest. (ECF No. 12.) For the same reasons set forth in the November 3 order, it is recommended that Southwest's motion to dismiss be denied without prejudice with leave to refile should there be a basis to renew the motion.

Respectfully submitted,

s/ Tu M. Pham
TU M. PHAM
United States Magistrate Judge

November 3, 2017
Date

NOTICE

WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THIS REPORT AND RECOMMENDED DISPOSITION, ANY PARTY MAY SERVE AND FILE SPECIFIC WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS. ANY PARTY MAY RESPOND TO ANOTHER PARTY'S OBJECTIONS WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); L.R. 72.1(g)(2). FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND FURTHER APPEAL.

magistrate judge entered an order on October 17, 2017, directing Cameron to show cause why her complaint should not be dismissed for the reasons Southwest asserts. (ECF No. 11.) The deadline for filing a response was October 31, 2017. To date, Cameron has not filed a response.